

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.953 of 2022**

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Sushila Devi Wife of Late Ganesh Prasad Chaudhary, resident of Village - Shivpur Tikiya Toil Mona Plastic, Pardeshi Bhawan, Post - Mahendru, P.S.- Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police (Crime), Special Branch, Bihar, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------------|---|---------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Alok Kumar with<br>Mr. Pranav Kumar, Advocates            |
| For the State              | : | Mr. Md. Nadim Seraj.GP-5 with<br>Mr. Shahbaj Alam, AC to GP 5 |
| For the Accountant General | : | Mr. Arun Kumar Arun, Adv.                                     |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 22-07-2024**

Heard Mr. Alok Kumar, learned Advocate for the petitioner and the learned Advocate for the State.

2. The present application has been filed seeking a direction upon the respondents to ensure payment of family pension to the petitioner on account of death of her husband, who died in harness on 22.05.2006 while working as Sub-Inspector of Police in Special Branch, Patna.

3. The learned Advocate for the petitioner contended that while the husband of the petitioner was alive, in the meantime, his first wife namely Puljhari Kumari @ Phuljhari Devi died on 28.01.2002. Thereafter, the deceased employee solemnised marriage with the petitioner, who happened to be



sister of the first wife. There are certain documents in support of the contention made on behalf of the petitioner. On the strength thereof, the petitioner seeks an order in her favour.

4. A counter affidavit has been filed and the contention of the petitioner has been outrightly denied with an averment that the petitioner is not even the legally wedded wife of the deceased employee and there is no material on record to establish that the petitioner had solemnised marriage with the deceased employee.

5. Learned Advocate for the State also contended that from the record it appears that the petitioner has one daughter whose marriage was solemnised in the year 2005 and thus it is evident that had there been any marriage of the petitioner with the deceased employee it was apparently during the life time of the first wife.

6. Having heard the rival contention and the materials available on record, this Court is of the view that apart from factum of the denial of marriage of the petitioner with the deceased employee, even if the contention of the petitioner is accepted for the sake of argument of she being second wife, still she is not entitled to get any family pension as her marriage was solemnised during the life time of the first wife. The Circular in



this regard has also been issued by the General Administration Department as contained in memo No. 10059 dated 06.09.1996, which clearly prohibits grant of family pension to the second wife whose marriage is solemnised during the life time and the subsistence of the first marriage, however, the children of the second wife are entitled for proportionate benefit.

7. In view of the aforesaid settled legal position, this Court does not find any merit in the writ petition.

8. At this stage, learned Advocate for the petitioner submits that the law is well settled that even the illegitimate child born out of the second marriage is entitled to get the proportionate pensionary benefits. Thus, the petitioner wishes to file a representation before the concerned authorities for redressal of her grievance to the extent of entitlement of her children.

9. Be that as it may, the present writ petition stands dismissed with the liberty aforesaid.

**(Harish Kumar, J)**

Anjani/-

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